THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.6569 OF 2006,
WRIT PETITION NO.14529 OF 2006,
AND
WRIT PETITION NO.14858 OF 2006

Dated: 30-10-2006

In W.P.No.6569 of 2006 :
Between :

Mohd. Ibrahim .. Petitioner

And

1. The Government of A.P., rep. by its
   Secretary, Ministry of Forest & Environment
   Secretariat, Khairatabad (Andhra Pradesh)
   And 2 others. .. Respondents

In W.P.No.14529 of 2006 :
Between :

Jaweed Ahmed .. Petitioner

And

The Government of A.P., rep. by its
Secretary, Ministry of Forest & Environment
Secretariat, Khairatabad (Andhra Pradesh)
And 2 others. .. Respondents

In W.P.No.14858 of 2006 :
Between :

Mohd. Yaseen .. Petitioner

And

The Government of A.P., rep. by its
Secretary, Ministry of Forest & Environment
Secretariat, Khairatabad (Andhra Pradesh)
And 2 others. .. Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.6569 OF 2006,
WRIT PETITION NO.14529 OF 2006,
AND
WRIT PETITION NO.14858 OF 2006

COMMON ORDER :

These three writ petitions are filed seeking a declaration that the alleged action of the respondents in sealing the saw-mills of the petitioners on 13-3-2006 without issuing any notice and without affording any opportunity to the petitioners to putforth their version is arbitrary and illegal.

I have heard the learned Counsel for the petitioners and the learned Government Pleader for Forests appearing for the respondents.

It is pleaded by the petitioners that they were granted licence for establishment and running saw-mills under the provisions of the A.P. Saw-Mills (Regulation) Rules, 1969 (for short, 'the Rules') which are being renewed from time to time and are valid upto 31-12-2006. It is also pleaded that they have been operating the saw-mills in accordance with the provisions of the Rules. It is alleged that the respondents without any prior notice visited the saw-mills of the petitioners on 13-3-2006 and sealed the machinery high-handedly. Though the petitioners approached the office of the 3rd respondent, they were not informed the reasons for the impugned action and in spite of repeated requests the seals are not removed and the petitioners are not allowed to operate the saw-mills. Hence, these three writ petitions.

The Divisional Forest Officer, Hyderabad filed counter-affidavits stating that the licences in favour of the petitioners stood lapsed since the petitioners failed to get the same renewed within the time prescribed under the Rules.

The learned Government Pleader appearing for the respondents, under instructions, stated that since the licences stood lapsed it is necessary for the petitioners to apply for fresh licences, in which event the same would be processed through the Central Empowered Committee constituted in terms of the decision of the Supreme Court in T.N. GODAVARMAN THIRUMULKPAD v. UNION OF INDIA[1].

The learned Counsel for the petitioner across the bar submitted that during pendency of these writ petitions, the petitioners have made such applications and the Central Empowered Committee vide proceedings dated 1-9-2006, 8-9-2006 and 5-10-2006 granted clearance in favour of the petitioners herein.

In the circumstances, without expressing any opinion as to the entitlement of the petitioners for grant of licences as sought by them, the Writ Petitions are disposed of granting liberty to the petitioners to make applications before the concerned Divisional Forest Officers enclosing the proceedings of the Central Empowered Committee granting clearance and complying with other statutory requirements. If any such applications are made, the respondents are directed to receive the same and process in accordance with law. No order as to costs.

G. ROHINI, J.

Dt. 30–10-2006
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[1] AIR 1997 SC 1233